



City of Santa Barbara California

PLANNING COMMISSION STAFF REPORT

REPORT DATE: January 5, 2017
AGENDA DATE: January 12, 2017
PROJECT ADDRESS: 825 Roble Lane (MST2016-00048)

TO: Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4551
 Beatriz Gularte, Senior Planner *BEG*
 Michelle Bedard, Assistant Planner *MB*

I. PURPOSE OF HEARING

The purpose of this hearing is for the Planning Commission to consider appeals filed by both the applicant and the neighbor of the Staff Hearing Officer (SHO) conditioned approval of requested setback modifications on November 9, 2016. Please refer to the appellant's letters dated November 21, 2016 (Exhibits A and B).

II. PROJECT DESCRIPTION

The applicant is requesting two zoning modifications to allow for a portion of the proposed additions to encroach up to 23' into the required 30-foot front setback and up to 4' into the required 10-foot interior setbacks. The project consists of 662 square feet of net additions to an existing 1,778 square-foot, two-story, single-family residence with an existing 379 square-foot attached two-car garage. The additions are comprised of a new 645 square-foot third-story addition involving a new master bedroom, bathroom, and closet, and a 17 net square-foot addition on the main level (north elevation) to accommodate a new code compliant (interior) stair case. The proposal also includes a 317 square-foot third floor deck with trellis and fireplace and extension of the existing chimney. The proposed total of 2,819 square feet, located on a 10,646 square-foot lot within the Hillside Design District, is 74% of the maximum floor-to-lot area ratio (FAR).

III. REQUIRED APPLICATIONS

The discretionary applications required for this project are:

- A. A Front Setback Modification to allow additions within the required front (north) setback from Roble Lane (SBMC 28.15.060 and SBMC 28.92.110); and
- B. An Interior Setback Modification to allow additions within the required interior (west) setback (SBMC 28.15.060 and SBMC 28.92.110).

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Trish Allen		
Property Owner:	Cammie & Mark Bell		
Site Information			
Parcel Number:	019-252-008	Lot Area:	10,646
General Plan:	Low Density Residential 3 du/ac	Zoning:	E-1, Single-Family Residential
Existing Use:	Single Family Residential	Topography:	39%
Adjacent Land Uses			
North - Single-Family Residential (2-story)		East - Single-Family Residential (2-story)	
South - Vacant		West - Single-Family Residential (2-story)	

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,778 square feet	2,440 square feet
Garage	379	No Change
Floor Area Ratio	.20 = 57% of Maximum FAR	.27 = 74% of Maximum FAR

V. BACKGROUND

Existing Development

The project site is currently developed with an existing nonconforming, two-story, single-family residence on a lot subject to site constraints with an irregular shape, an undersized lot, and a steep site topography. The existing 10,646 square-foot lot is nonconforming with regards to the minimum lot size because a newly created lot in the E-1, single family zone requires a minimum of 15,000 square feet of lot area. The existing residence is nonconforming to setbacks because it is located seven feet, at the closest point, from the front (north) property line along Roble Lane when 30 feet are required and approximately 6-feet from the interior (west) property line when 10 feet are required. The lot has a 39% average slope, is bounded by two public streets, and is further constrained with two front setbacks (Exhibit C).

Design Review

The project was reviewed by the Single Family Design Board (SFDB) on March 7, 2016, and June 13, 2016. The SFDB heard public comment in opposition to the project with concerns about size, height, and neighborhood compatibility. The SFDB did not suggest the project needed to provide larger setbacks. At the second hearing, the SFDB continued the project to the Staff

Hearing Officer with positive comments that the modifications are aesthetically appropriate, do not pose consistency issues with design guidelines, the proposed size, bulk and scale are acceptable, and the project is compatible with the neighborhood (Exhibit C).

SHO Review

The project was reviewed by the Staff Hearing Officer (SHO) on two occasions, October 12 and November 9, 2016. At the first hearing, the SHO continued the project to the November 9, 2016, agenda and advised the applicant to study alternative designs that would reduce the amount of encroachment and to demonstrate if any alternative locations are available. The neighbors, Michael and Jeanne Palumbo, spoke in opposition at this hearing to express concerns regarding the location of the addition in proximity to Roble Lane and concerns of a third story precedent on the south side of Roble Lane. The neighbors asked for the project to be denied and for alternative conforming options to be explored. Please refer to the SHO Minutes, dated October 12, 2016 (Exhibit D).

At the November 9 hearing, the applicants requested the SHO reconsider the original proposed application to allow the proposed additions to encroach 23 feet into the required front setback and four feet into the interior setback. The applicant's justified the proposed modifications stating the SFDB was supportive of the proposed design, and the lot is constrained by double front setbacks, a steep slope, and irregular shape. Please refer to the applicant's appeal letter (Exhibit A).

Jeanne Palumbo, neighbor, spoke in opposition to express concern regarding whether the proposed addition is structurally feasible above the existing garage, which was originally constructed as a carport; concern was also expressed regarding the lot merger.

At this hearing, the SHO expressed her remaining concern that the applicant's proposal is too great of an encroachment and is too close to the property lines. However, the SHO stated, after further consideration and conducting another site visit, she recognizes the site constraints and concluded she can make the findings and support staff's recommendation for the reduced project, subject to conditions. Please refer to the SHO Staff Report, dated October 6, 2016 (Exhibit E) and the SHO minutes, dated November 9, 2016 (Exhibit F).

The SHO concurred with the staff recommendation and granted approval of a reduced project allowing the proposed addition to encroach no more than 15 feet into the required 30-foot front setback, and to encroach no more than one (1) foot into the required 10 foot interior setback. The allowed encroachment by the SHO would result in the elimination of a portion of the master closet as proposed by the applicant, but allow for a third story addition. The SHO approval was conditioned that the width and height of the chimney be reduced as much as feasible, subject to the review and approval of the Single Family Design Board. Please refer to the SHO Resolution No. 071-16, dated November 9, 2016 (Exhibit G).

Appeals Received

The City received two appeals of the SHO's approval on November 21, 2016; one from the applicant, Suzanne Elledge, representing the property owner, and one from Jeanne Palumbo, a neighbor to the north.

Applicant Appeal

The applicant's appeal letter (Exhibit A) requests approval of the original proposed project for a 23' encroachment into the required front yard along Roble Lane and a 4' encroachment into the interior yard. The applicant's position is that site constraints of the existing nonconforming development limit the opportunities for conforming options. A design that conforms to setback requirements would necessitate a zoning modification to further reduce the usable areas of the existing nonconforming open yard. Additionally, the applicant states that the proposed additions will be predominately within the existing building footprint and the project received favorable comments from the Single Family Design Board (SFDB) because the placement of the addition is consistent with the City's Single Family Residence Design Guidelines. The modifications would allow for addition of a master bedroom, bathroom, and closet as well as an outdoor terrace.

Neighbor's Appeal

The neighbor's appeal letter (Exhibit B) requests the project approved by the SHO be denied and requests the applicant to redesign a project to be consistent with zoning requirements, thus no encroachment into the required setbacks. The neighbor's appeal letter states that modifications are not necessary for a reasonable development and that the lot is not constrained by hardship; that allowing a third story would be incompatible with the neighborhood; and that the applicant should be required to explore alternative conforming options compatible with the neighborhood.

The neighbor also raises additional concerns regarding: (1) whether the proposed project would impact a historic resource, (2) height limitations, and (3) unpermitted site walls.

1. Prior to the projects review by the SHO, the City Urban Historian completed a Historic Evaluation of the property per current City procedures. This assessment concluded that although the house was designed by architect D'Alfonso, it was altered in 2009, changing the original materials. The most notable change includes the brick chimney that is a major feature of the façade. It was changed to a stone chimney, and therefore, the structure does not represent an intact unique or particular style, nor forms an integral component of a thematic complex or district and does not qualify as a historic resource.
2. Staff reviewed the proposed project and found the project to be in compliance with the maximum 30-foot height limit, as specified in SBMC 28.15.050, and defined in SBMC §28.04.140 (Exhibits H). Given the site is developed with an existing residence, the addition is proposed within the existing building footprint, and the project does not involve any new site grading, the maximum building height is measured from the existing site grade, not "natural" (pre-development) grade." The maximum building height, measured at the south elevation (Loma Media Street side), is 29'-5½" and the Ordinance (SBMC 28.15.050) allows for a 30-foot maximum height.
3. Staff reviewed the archives and permit history for the project, and determined that the only deviation is a new 12-inch rock wall located within the public right-of-way along Loma Media. An encroachment permit has been issued by Public Works to permit the site wall within the public right-of-way. This wall is not relevant to the requested zoning modifications. Other site walls have been determined to be part of the original site development.

VI. DISCUSSION

Although the SHO granted approval of the modification for a reduced setback encroachment into the front and interior yard setbacks, that action was appealed by two separate appellants, and the modification requests are now before the Planning Commissions for review and action.

As stated above, the existing house currently encroaches into the 30-foot front yard setback along Roble Lane. Due to the topography of the Riviera and prior development patterns, development that is nonconforming to front setbacks is not uncommon in this neighborhood. The modification as approved by the SHO would allow for an addition over existing development, so some amount of encroachments would not be precedent-setting, considering the existing siting of the house and that many homes on Roble Lane are nonconforming to the front setback. The existing house as viewed from Roble Lane currently sits below grade and the addition is pushed back into the back of the lot so less intrusive into the streetscape. The addition would be two stories along Roble Lane and three stories along Loma Media.

However, this house is closer to the street than most, so the SHO has not been supportive of the same encroachment as the garage has now. The SHO did approve an improvement 15 feet from the front property line on Roble Lane and nine (9) feet from the interior property line because it is contained within the existing building footprint and does not result in new ground disturbance. Considering the site constraints, staff remains supportive of the original staff recommendation and believes that the SHO's decision to grant approval of a reduced encroachment was a reasonable compromise.

There is an existing oak tree that overhangs the area of the proposed addition above the garage. Staff recommends a new condition of approval that if a proposed third story addition is approved, that an arborist analyze how the addition encroaching into the Oak canopy may affect the longevity of the existing Oak tree, and that the applicant follow measures to ensure that the Oak tree is protected.

VII. RECOMMENDATIONS

While Staff is supportive of the Staff Hearing Officer's approval to allow the proposed addition to encroach no more than 15 feet into the required 30 foot setback (along Roble Lane) and to encroach no more than one (1) foot into the required 10 foot interior setback, the Planning Commission should consider the cases made by both appellants and choose one of the recommendations as outlined below.

1. Deny the applicant's and neighbor's appeals and uphold the SHO's decision of the approval for a reduced encroachment of the Front and Interior Setback Modifications to allow the proposed building addition to be located 15 feet from the front property line and 9 feet from the interior property line, making the findings outline in Section VIII of this report, and subject to the conditions of approval; or
2. Uphold the applicant's appeal and approve the project as proposed to allow the proposed building addition to be located 7-feet from the front property line and 4- feet from the interior property line , recognizing the site constraints and that the proposed design is consistent with the Single Family Residential Design Guidelines; or

3. Uphold the neighbor's appeal and deny the modifications approved by SHO, and require the applicant to redesign an option that would be consistent with the zoning setbacks; or
4. Approve a revised project at the discretion of the Planning Commission.

VIII. FINDINGS AND CONDITIONS

Approval Findings for a Reduced Encroachment

The Planning Commission finds the Front Setback Modification to allow the proposed third floor addition is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot, limiting the addition to encroach no more than 15 feet into the required 30-foot front setback. This degree of encroachment into the required front setback is consistent with the pattern of development along Roble Lane and is tucked into the back portion of the lot and screened by existing vegetation.

The Planning Commission finds the Interior Setback Modification to allow the proposed third floor addition is consistent with the purposes and intent of the Zoning Ordinance and necessary to secure an appropriate improvement on the lot, limiting the addition to encroach no more than one (1) foot into the required 10 foot interior setback. This degree of encroachment into the required interior setback would not negatively impact the adjacent neighbor.

If the Planning Commission should decide to support the applicant's proposal, or a revised project approval, the Commission would need to state the reasoning and make findings to support the requested modifications.

Denial Findings for the Requested Encroachment

The Planning Commission finds that the requested Modifications are not consistent with the purposes and intent of the Zoning Ordinance and the proposed improvement is not appropriate on the lot. The proposed setback encroachments are not appropriate because the new addition above the garage would be located too close to Roble Lane and too close to the western property line and adjacent neighbor.

IX. Said approval is subject to the following conditions:

1. Prior to project design approval by the Single Family Design Board, an arborist report analyzing the impact of the proposed addition on the oak tree shall be prepared and submitted to the City. The project description shall be amended to include any tree preservation measures recommended in the arborist's report.
2. The width and height of the chimney shall be reduced as much as feasible in compliance with building code requirements, subject to the review and approval of the Single Family Design Board.

Exhibits:

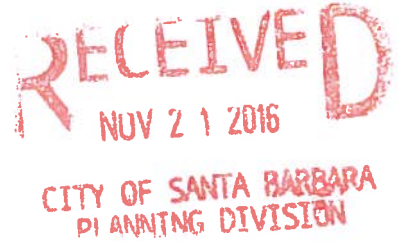
- A. Applicant's appeal letter
- B. Neighbor's appeal letter

- C. Site Plan
- D. SFDB Minutes, dated March 7 and June 13, 2016
- E. SHO Minutes, dated October 12, 2016
- F. SHO Staff Report, dated October 6, 2016
- G. SHO Minutes, dated November 9, 2016
- H. SHO Resolution No. 071-16, dated November 9, 2016
- I. SBMC 28.15.050 and SBMC §28.04.140



21 November 2016

Planning Commission
c/o Planning Division
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101



**RE: 825 Roble Lane (APN 019-252-008) – MST2016-00048
Staff Hearing Officer - Appeal Letter**

Dear Planning Commissioners:

On behalf of the property owners, Cammie and Mark Bell, we are submitting this letter to serve as our request to appeal the November 9, 2016 Staff Hearing Officer action to conditionally approve the subject project.

I. General Site Information

The subject property is located at 825 Roble Lane in the Riviera neighborhood. The property is zoned E-1 Single Family Residential with a General Plan Land Use Designation of Suburban Residential (5 d.u./acre). The property is bound on the north by Roble Lane and on the south by Loma Media. The property is currently developed with a two-story, 2,157 square foot single family residence including the attached two-car garage.

II. Project Description

The project proposes an addition of 645 square feet to construct a master bedroom suite above the garage, a portion of the main residence, and a 317 square foot trellised outdoor terrace. The project includes an extension of the chimney to the master suite level, a reconfigured interior stair and kitchen remodel. There are no changes proposed to the existing landscape; the proposed addition will occur predominately within the existing building footprint with exception of the area needed to accommodate the reconfigured staircase.

In order to achieve compliance with the City's Single Family Residence Design Guidelines for development in the Hillside Design District, the location of the addition is proposed in the deepest or lowest portion of the site as it relates to the elevation above on Roble Lane. In this way, the mass of the residence steps down the site minimizing potential visual impacts from above. Further, the western portion of the site where the addition is proposed, contains mature vegetation that provides screening to further preserve neighbor privacy.

Please refer to the lot coverage and site data that is reproduced on the cover sheet of the project plans which summarizes the existing and proposed floor areas.

Single Family Design Board

The project concept plans were presented to the Single Family Design Board (SFDB) on two occasions, March 7 and June 13, 2016. At the initial concept review, SFDB requested that the applicant provide additional neighbor and visual context in order to appropriately evaluate neighborhood compatibility as it relates to the proposed third floor component. At the June 13, 2016 hearing, the SFDB unanimously forwarded the project to the Staff Hearing Officer making positive aesthetic comments regarding the requested interior and front yard zoning modifications and stating positive support relative to mass, bulk, and scale and neighborhood compatibility.

Zoning Modifications & Justifications

The property is existing non-conforming to current front and interior yard setback requirements and also contains two front yards as the property is bound by two public streets, Roble Lane and Loma Media. The garage is located in the front and interior yard setbacks. In this zone district, the front yard setback is 30-feet; however, because the average natural slope of the front half of the lot that faces Loma Media is more than 20%, the site qualifies for a five-foot setback reduction, resulting in a required 25-foot front yard setback.

The project proposes an addition located above the non-conforming garage and extends above the kitchen and dining room below. The portion of the addition that necessitates the zoning modification requests is limited to the area above the garage, the reconfigured staircase, and a portion of the upper outdoor terrace, including the chimney extension. The distances between the front and interior property lines for each of these components are shown in shaded areas on plan sheet A101.

The existing interior stairway will be extended to the proposed third level and slightly reconfigured because it does not currently comply with adequate head height clearance to meet building code; a portion of the stairway will encroach into the front yard setback.

Justifications to support the requested zoning modification are summarized below:

1. The existing property configuration is non-conforming with respect to the west interior yard setback and front yard setback off of Roble Lane.
2. The proposed improvements will be predominately carried out in the same footprint as the existing residence.
3. A conforming addition would necessitate a zoning modification of the non-conforming open yard area further constraining usable yard area.
4. The placement of the addition is consistent with the City's Single Family Residence Design Guidelines.

5. The portion of proposed west elevation master suite addition in the interior yard setback does not include windows facing the adjacent property.
6. The property is constrained with two front yards (public road frontage on both Roble Lane and Loma Media).
7. The proposed zoning modifications were aesthetically supported by the Single Family Design Board.

Staff Hearing Officer (SHO) & Appeal

The City's staff report dated October 6, 2016 included a recommendation to the Staff Hearing Officer (SHO) to deny the requested setback modifications and approve an alternate design for reduced encroachments. No action was taken by the SHO on October 12, 2016; the item was continued to the November 9, 2016 SHO hearing to allow the project team to evaluate design options. On November 9, 2016, the SHO approved the staff recommended alternate design to allow reduced encroachments as compared to the project application request.

We have opted to file an appeal of the SHO approval and request that the Planning Commission consider the original proposed project for the reasons and justifications stated above. In summary, given the unique site configuration, the significant site constraints, and the positive aesthetic support stated by the SFDB, we strongly believe that the requested zoning modifications can be justified. The proposed project design results in a project that is compatible with the neighborhood in terms of mass, bulk and scale. We urge the Planning Commission to approve the project as currently designed. On behalf of the property owners, we thank you for your consideration.

Sincerely,

SUZANNE ELLEDGE

PLANNING & PERMITTING SERVICES, INC.



Trish Allen, AICP
Senior Planner

Michael and Jeanne Palumbo
826 Roble Lane
Santa Barbara, CA 93103
palumborealtors@gmail.com

11/21/2016

Planning Commission

Planning Division, Community Development
Attn: Planning Commission Secretary
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93102-1990

**Re: Request to Appeal November 9, 2016 SHO Decision regarding
825 Roble Lane (MST 2016 00048)**

Dear Susan,

Michael and I are very appreciative of the time and analysis the Staff Hearing Officer (SHO) provided regarding the third story addition and the front and side yard modification requested by the homeowners of 825 Roble Lane (the "Applicant").

On October 12, 2016, we were encouraged when, in the first SHO hearing on the requested modification the SHO indicated to the Applicant that their front yard setback modification request was overly excessive and unsupportable. The SHO pointed out to the Applicant that they currently have legal development area and should modify their design and return for further review and we looked forward to seeing this design. The SHO stated that she was unable to make findings to support the requested modification as the encroachment was too great and no hardship was presented, the sole reason given for a "third story addition" was this is what the Applicant prefers.

To our disappointment, on November 9th, the Applicant returned without following the SHO's direction to restudy the design, just as they had done with the Single-Family Design Review Board. No major redesign has ever been presented, because it would demonstrate that an appropriate and reasonable design is possible within the already available setbacks without any setback modifications whatsoever and a "hardship" does not exist.

Since the Applicant has purchased this property, the Applicant's drawings and documents have been incorrectly described and depicted to mislead the planning department process.

The Applicant's proposed project would impact a historic resource. This home is well over 50 years old and any structure 50 years or older is considered potentially significant. Further, this home and is a D 'Alfonso and part of a cluster and character defining neighborhood, "the American Riviera". There has been no analysis of the impacts of this project on this potentially significant resource in accordance with the California Environmental Quality Act. No historical report has been required or submitted. Minor superficial finish alterations have been performed and all are reversible; the proposed addition would destroy this protected asset.

Although pointed out to the applicant on many occasions, the drawings continue to indicate "built up grade" rather than "natural grade" as required by code. It is very likely that this proposal does not fall completely within the allowable height restriction.

Unpermitted site walls have been built within the public right of way and on the existing roadway. No survey of this area is included in the drawing set and the applicant indicated

and stated incorrectly that the wall was "not built on the existing pavement" and this is clearly not correct.

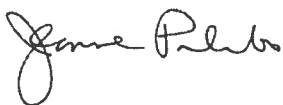
We appeal the SHO's approval of reduced encroachments of the Front and Interior setback. Inconsistent with her own initial determination, the SHO never required the Applicant to present any redesign solutions to support any "hardship" or demonstration of reasonable development. No setback modifications are necessary for reasonable development and no hardship exists. The proposed improvements are not appropriate for the lot or uniform with the neighborhood. The reduction in proposed setback the SHO approved did not go far enough and other designs must be pursued. This would be the first third story home on the ocean side of Roble Lane that provides for three stories of living space, the height would no longer be consistent and compatible with the road elevation.

The modification will allow for an inappropriate rather than "appropriate" improvement on a lot. To highlight how inappropriate this expansion would be the SHO should be aware that if the Project were built it would be the only home on the downhill side of Roble Lane that appears as a two-story from the street. Further, allowing the modification will not promote uniformity and will, in fact, set a standard of allowing the unnecessary enlargement of an already non-conforming home at the detriment of the surrounding neighborhood.

SHO's denial of the modifications would not have resulted in an unreasonable hardship because they have other ways to expand the square footage of their home. In addition, the granting of the modification will not prevent an unreasonable hardship as the applicant was already granted a modification for a prior home expansion and their current home is over 2,000 square feet which is compatible or even larger than surrounding homes in the neighborhood. Staff recognized in its staff report to the SHO that the site offers an option for an addition on the ground floor without need for modifications. The SHO herself was hesitant to even approve staff's recommendation. It was your understanding that the SHO would require the Applicant to explore alternate and more conforming footprints; however, without much explanation or any indication from the applicant that they had in fact taken any time to explore alternate footprints the SHO changed her mind at the second hearing and followed staff's recommendation. It is still unclear why SHO had a change of heart as it clearly was not due to the Applicants demonstration of effort to review alternative and more conforming solutions. It is still unclear whether the ground floor could be used to expand square footage and whether the newly merged side lot could provide the outside space that would be lost with a ground floor addition. Such a solution would relieve concerns regarding neighborhood compatibility, views and expansion of nonconforming buildings but the Applicant has not been required to explore this option or other options.

Further, the Applicant and City have not demonstrated that adequate review required by the California Environmental Quality Act was conducted prior to approval. Analysis of the impacts of this project on an historic structure or within an historic setting must be conducted. Further, the Applicant has not accurately demonstrated that the entire third story fits within the legal height limit. The Applicant has misled the Planning Department and the Planning Department has accepted incomplete and inaccurate drawings and documents. We request that the Planning Commission deny the SHO's modified approval and ask the Applicant to redesign their proposed project consistent with zoning requirements as they should have done in the first instance.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jeanne Palumbo".

Jeanne Palumbo (805) 689 1968

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**5. 825 ROBLE LN****E-1 Zone****(5:00)**

Assessor's Parcel Number: 019-252-008
Application Number: MST2016-00048
Owner: Bell Family Trust
Architect: Kent Mixon

(Proposal for a Voluntary Lot Merger and to construct a new 793 square foot third-story to an existing 1,794 square foot, two-story single-family residence with an existing 388 square foot attached two-car garage. The proposal includes a 265 square foot covered patio, with an extended chimney. The proposed total of 2,975 square feet of development on a 10,580 square foot lot in the Hillside Design District is 78% of the required maximum floor-to-lot area ratio [FAR]. The project includes Staff Hearing Officer review for zoning modifications to allow encroachments into the two front yard setbacks and one interior setback.)

(Comments only; project requires an Environmental Assessment and Staff Hearing Officer review for requested zoning modifications.)

Actual time: 4:53 p.m.

Present: Kent Mixon, Architect; and Marc Bell, Owner.

The Chair stated for the public record that the Board is mainly an architectural design and aesthetics Board for mass, bulk, and scale, and neighborhood compatibility; therefore, *private* view concerns of the public are not within the Board's purview.

Public comment opened at 5:19 p.m.

- 1) Cynthia E. Ziegler, opposition, expressed concerns regarding project not being compatible or consistent with neighbor compatibility.
- 2) Jeanne Palumbo, neighbor, submitted letter, opposition; spoke of concerns regarding the proposed third floor and suggested that additions occur on the lower floor.
- 3) Normah Abdul Halim, submitted letter, opposition; spoke of concerns regarding the proposed third floor and applicant following good neighbor guidelines.
- 4) Michael Palumbo, neighbor, submitted letter, opposition; spoke of concerns regarding the proposed third floor, potential impacts to the integrity of the D'Alfonso developed tract of homes, and a negative precedent for taller homes in this neighborhood

Letters and emails in opposition were acknowledged and received from; Ken Mineau, regarding errors on the plans submitted; Dr. James Block, served on the Riviera Association View Ordinance Advisory Task Force, regarding obstructing views; Neil Greenleaves and Chris Van de Walle, regarding the 78% FAR limit; Michael and Jeanne Palumbo and Normah Abdul Halim.

Public comment closed at 5:31 p.m.

Motion: Continued indefinitely to the Full Board with comments:

- 1) Consider exploring other options to the third story. The Board may consider a proposed third story if guidelines are met with a minimal amount of visual impact.
- 2) The Board cannot support the modifications without further design development from the applicant in terms of reducing or completely eliminating the third story.
- 3) If the Board is satisfied that the applicant has addressed the other issues outlined in this motion, the board may find a way to support a lot line adjustment to merge the two lots in order to satisfy the lower FAR requirements.

Action: Miller/Moticha, 4/1/0. Motion carried. (Pierce opposed.) (James/Woolery absent).

EXHIBIT D

SFDB-CONCEPT REVIEW (CONT.)**4. 825 ROBLE LN****E-1 Zone**

(4:40) Assessor's Parcel Number: .019-252-008
Application Number: MST2016-00048
Owner: Bell Family Trust
Architect: Kent Mixon

(Proposal for a Voluntary Lot Merger and to construct a new 793 square foot third-story addition to an existing 1,794 square foot, two-story single-family residence with an existing 388 square foot attached two-car garage. The proposal includes a 265 square foot covered patio, with an extended chimney, a 793 square foot third floor addition of a master bedroom, bath, closet and a trellised covered porch. The proposed total of 2,975 square feet of development on a 10,580 square foot lot in the Hillside Design District is 78% of the allowable maximum floor-to-lot area ratio (FAR). The project includes Staff Hearing Officer review for zoning modifications to allow encroachments into the two front yard setbacks and one interior setback.)

(Second Concept Review. Action may be taken if sufficient information is provided; the project was last reviewed March 7, 2016.)

Actual time: 4:43 p.m.

Present: Kent Mixon, Architect; Trish Allen, SEPPS; and Marc Bell, Owner.

Ms. Allen clarified that the Applicant made efforts to hold previous public outreach meetings inviting the 20-closest neighbors to discuss the proposed changes and neighborhood concerns.

Public comment opened at 5:22 p.m.

- 1) Neil Greenleaves, opposition; spoke of issues regarding the proposed scale, height, loss of private views, and neighborhood compatibility.
- 2) Jeanne Palumbo, spoke in opposition regarding parking density concerns in the neighborhood, height of the proposed changes, general poor appearance, and the mail box location.
- 3) Michael Palumbo, spoke in opposition regarding neighborhood compatibility, establishing precedent for three story structures in the chiefly single and second story neighborhood, and parking density issues.
- 4) Kenneth Mineau (local architect & neighbor), spoke in opposition regarding height of the proposed additions and neighborhood compatibility.
- 5) Cynthia Ziegler, opposition; spoke in opposition regarding setting a precedent for third story homes, loss in property values, and neighborhood compatibility; requested alternatives be found.

An email in opposition from Neil Greenleaves was acknowledged.

Public comment closed at 5:35 p.m.

Mr. Limon clarified for the Board that due to the fact that the two lots have not been merged yet, the Board is directed to review only the current lot of the structure and the proposed changes requested for that lot.

The Chair re-stated for the public record that the Board is mainly an architectural design and aesthetics Board for mass, bulk, and scale, and neighborhood compatibility, including visualizing completed third-story dimensions; but private view concerns of the public are not within the Board's purview. A separate review will be conducted by the Staff Hearing Officer where some of these issues can be addressed. The Chair also reviewed the options for City Council appeals for the public.

Board member Moticha also clarified that the Board has very little control over maintenance of landscaping heights which may blocks private views and, for some, the only option is to request neighbors to top-off landscaping.

Motion: Continued indefinitely to Staff Hearing Officer for return to Full Board with comments:

- 1) A majority of the Board finds the requested front and side setback modification are aesthetically appropriate, and do not pose consistency issues with the Single Family Design Guidelines.
- 2) The Board finds that the proposed size, bulk, and scale are acceptable and the proposed changes are neighborhood compatible.

Action: Moticha/Miller, 6/0/0. Motion carried. (Pierce absent).

ACTUAL TIME: 9:22 A.M. & 10:28 A.M.

C. APPLICATION OF TRISH ALLEN, AGENT FOR CAMMIE & MARK BELL, 825 ROBLE LANE, APN 019-252-008 & 019-252-009, E-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS/ACRE (MST2016-00048)

The proposed project would add a new 645 square foot third-story to an existing 1,778 square foot, two-story single-family residence with an existing 379 square foot attached two-car garage. The proposal includes a 265 square foot deck at the third floor level with a trellis, chimney and fireplace, a 30 square foot first-floor addition, and demolition of 13 square feet of the second floor. The project includes a Voluntary Lot Merger of the subject lot and the adjacent small vacant lot to the east. The proposed total of 2,819 square feet on a 10,646 square foot lot in the Hillside Design District is 74% of the allowable maximum floor-to-lot area ratio (FAR). The existing house and the proposed additions encroach into the required front and interior setbacks.

The discretionary applications required for this project are:

1. Front Setback Modification to allow additions and alterations in the required 30 foot front setback (SBMC §28.15.060 and §28.92.110); and
2. Interior Setback Modification to allow additions and alterations in the required 10-foot interior setback (SBMC §28.15.060 and §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities, and 15305, Minor Alterations In Land Use Limitations.

Present: Trish Allen, Agent; Kent Mixon, Architect; and Mark Bell, Owner.

Ms. Reardon announced that she read the Staff Report for the proposed project and also visited the site and surrounding neighborhood. Ms. Reardon's SHO purview to take action on the project was clarified with Mr. Kato and Mr. Boughman.

Tony Boughman, Assistant Planner, gave the Staff presentation and recommendation.

Public comment opened at 9:48 a.m.

- 1) Jeanne Palumbo, adjacent neighbor, opposition; expressed concerns regarding proximity to Roble Lane, potential development alternatives on other ground floor areas of the lot, and parking density issues.
- 2) Michael Palumbo, adjacent neighbor, opposition; expressed concerns regarding various numerous past zoning violations, preservation of private views, and the setting of undesirable neighborhood building precedents in the area.

Public comment closed at 9:57 a.m.

Public correspondence in opposition from Neil Greenleaves, and from Attorney Olivia K. Marr on behalf of adjacent neighbors Michael and Jeanne Palumbo was acknowledged.

Ms. Reardon stated that the findings could not be made for the project as proposed by the applicant and express concerns regarding the ability for the findings to be made for the reduced 15 foot encroachment recommend by staff. Ms. Reardon acknowledged that the site is constrained, but also acknowledged the fact that the property was granted a reduced front setback from Loma Media Road which allows for additional area for a building addition. In addition, there are other areas on the site for building additions that would not require as much of a significant encroachment. She stated that the modification must be found to be necessary to secure an appropriate improvement, not just desirable or preferred.

*** THIS ITEM WAS BRIEFLY RECESSED AND RESUMED LATER IN THE HEARING. ***

ACTION:

Continued to the November 9, 2016 for the applicant to study other alternatives that would not require as significant of an encroachment and to demonstrate why the other areas are not available.



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: October 6, 2016
AGENDA DATE: October 12, 2016
PROJECT ADDRESS: 825 Roble Lane (MST2016-00048)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Danny Kato, Senior Planner *DK*
Tony Boughman, Assistant Planner *TB*

I. PROJECT DESCRIPTION

The existing house is located on a 7,974 square foot lot in the Hillside Design District. The property owner also owns the adjacent 2,672 square foot vacant lot to the east and proposes a voluntary lot merger to create a single 10,580 square foot lot. The proposed project involves a 645 square foot third-story addition to an existing 1,778 square foot, two-story single-family residence with an existing 379 square foot attached two-car garage. The proposal includes a 317 third floor deck with trellis and extension of the existing chimney (Exhibit A). The proposed total of 2,891 square feet is 74% of the maximum floor-to-lot area ratio (FAR) based on the merged lot size of 10,646 square feet. A recommended condition of approval requires completion of the lot merger prior to building permit issuance. The project may not be completed on the existing single lot because it would exceed the maximum allowed FAR.

The discretionary application for this project are:

1. Front Setback Modification to allow additions in the required front setback from Roble Lane (SBMC 28.15.060 and SBMC 28.92.110).
2. Interior Setback Modification to allow additions in the required western interior setback (SBMC 28.15.060 and SBMC 28.92.110).

Application Deemed Complete: September 20, 2016 Date Action Required: November 19, 2016

II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer deny the requested Front Setback Modification, and approve an alternate design allowing a 15-foot encroachment into the Roble Lane front setback, and a one foot encroachment into the western interior setback.

III. SITE INFORMATION AND PROJECT STATISTICS

The information and statistics below reflect completion of the proposed voluntary lot merger.

A. SITE INFORMATION

Applicant:	Trish Allen, SEPPS	Property Owner:	Cammie & Mark Bell
Parcel Number:	019-252-008	Lot Area:	10,646 sq. ft.
General Plan:	Low Density Residential 3 du/ac	Zoning:	E-1
Existing Use:	Single-Family Residential	Topography:	23% slope

Adjacent Land Uses:

North – Single-Family Residential (2-story) East - Single-Family Residential (2-story)
South – Single-Family Residential (vacant site) West – Single-Family Residential (2-story)

B. PROJECT STATISTICS

	Existing	Proposed
Living Area	1,778 sq. ft.	2,440 sq. ft.
Garage	379 sq. ft.	No Change

C. PROPOSED LOT AREA COVERAGE

Building: 1,473 sf 13.9% Hardscape: 1,605 sf 15.1% Landscape: 7,502 sf 71%

D. FLOOR-AREA RATIO (FAR)

Max. Allowed FAR: .36 Proposed FAR: .27 = 74% of Max. Allowed FAR

IV. DISCUSSION

Staff has concerns about the requested setback encroachments being necessary to make appropriate improvements. The narrow site is constrained between front setbacks to the north along Roble Lane, and to the south along Loma Media. Along Roble Lane the front lot line/edge of public right-of-way is approximately 10 feet closer to the house than the edge of the improved street, resulting in a perceived setback that is greater than the measured setback. However, the proposed third story addition, which follows the existing building footprint and encroaches into the western interior setback and the front setback from Roble Lane, results in a substantial amount of new floor area in close proximity to the front lot line and the neighboring property. Due to topography and prior development patterns, development that is nonconforming to front setbacks is not uncommon on Roble Lane and in the Riviera neighborhood, and the proposed encroachments would not be precedent-setting.

Other development along Roble Lane is nonconforming to the front setback; however, this project is closer to the curb and street than most others. Placing the upper story in the proposed location at the western end of the house keeps the building height lower relative to Roble Lane as the street goes uphill to the west, but it results in a substantial degree of encroachment into the interior setback. The roof eaves around the third story hip roof would match the existing large

eaves on the house, and they would be about 1.5 feet larger than the existing garage eaves. Consequently the larger eaves at the addition above the garage would encroach to within approximately three feet of the front property, and two feet to the interior property line.

Except for a four square foot expansion into the front setback at the existing driveway, the proposed project is within the existing nonconforming building footprint, and does not reduce the existing open yard area and landscaping area. The site offers an option for a small addition on the ground at the west end of the house which would conform to the required setbacks and not require Modifications. An addition in this location was not proposed because this part of the site is one of the more useable flat yard areas and currently serves as an outdoor living space with barbeque and table.

Staff supports the proposed third story improvements with the exception of the portion of the addition above the garage shown as the master closet on the floor plan. Staff's opinion is that this part of the addition encroaches too far into the interior setback and is too close to the western property line, particularly considering the large eaves. The addition encroaches too far into the Roble Lane front setback to be supported as an appropriate improvement. The analysis below shows the degree to which the proposed setbacks for the third floor are less than the required setbacks.

<u>Setback Analysis</u>	<u>Requirement/Allowance</u>	<u>Existing</u>	<u>Proposed</u>
Front - Roble Lane	30 ft.	wall 7 ft./ eave 4.5 ft.	wall 7 ft./ eave 3 ft.
Interior	10 ft.	wall 6.5 ft./ eave 3.5 ft.	wall 6.5 ft./ eave 2 ft.

Staff could support a revised project that removes the area of the third floor shown as the master closet. This would reduce the front setback encroachment to no more than 15 feet, and reduce the interior setback encroachment to no more than one foot. Staff believes that the reduced floor plan could be reconfigured with a smaller bathroom and closet for the master suite.

The proposal includes a Voluntary Lot Merger between the 7,974 square foot subject lot and the adjacent 2,671 square foot vacant lot to the east. Merging the lots is necessary to increase the lot area, otherwise the proposed floor area in combination with the proposed 29 foot building height would exceed the maximum allowed floor area applicable for a house taller than 25 feet. An application is pending in the City Public Works department for the Voluntary Lot Merger and a condition of approval requires completion of this prior to issuing a building permit.

The project was reviewed by the Single Family Design Board (SFDB) on March 7, 2016 and June 28, 2016. The SFDB heard public comment in opposition to the project with concerns about size, height, and neighborhood compatibility. The SFDB did not suggest the project needed to provide larger setbacks. At the second hearing the SFDB continued the project to the Staff Hearing Officer with positive comments that the modifications are aesthetically appropriate, do not pose consistency issues with design guidelines, the proposed size, bulk and scale are acceptable, and the project is compatible with the neighborhood (Exhibit C).

V. FINDINGS AND CONDITIONS

DENIAL FINDINGS FOR THE REQUESTED ENCROACHMENT

The Staff Hearing Officer finds that the Modifications are not consistent with the purposes and intent of the Zoning Ordinance and the proposed improvement is not appropriate on the lot. The proposed setback encroachments are not appropriate because the new third story would be located too close to Roble Lane and too close to the western property line and adjacent neighbor.

APPROVAL FINDINGS FOR A REDUCED ENCROACHMENT

The Staff Hearing Officer finds the Front Setback Modification to allow the proposed third floor above the existing garage are consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot with the extent of setback encroachments reduced to encroach 15 feet into the front setback, measured to the exterior walls, and roof eave overhangs may match the first floor eaves of the existing house. This degree of encroachment into the required front setback is not anticipated to appear too close to the street or be inconsistent with the pattern of development along Roble Lane.

The Staff Hearing Officer finds the Interior Setback Modification to allow the proposed third floor above the existing garage are consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot with the extent of setback encroachments reduced to encroach one foot into the interior setback, measured to the exterior walls, and roof eave overhangs may match the first floor eaves of the existing house. This degree of encroachment into the required interior setback would not negatively impact the adjacent neighbor, or appear to be situated too close to the adjacent neighbor.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated July 27, 2016 ¹³
- C. SFDB Minutes March 7, 2016 and June ~~28~~ 28, 2016

Contact/Case Planner: Tony Boughman, Assistant Planner
(TBoughman@SantaBarbaraCA.gov)
630 Garden Street, Santa Barbara, CA 93101
Phone: (805) 564-5470 x4539

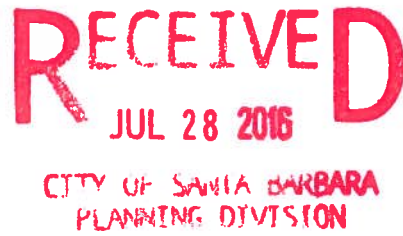


City of Santa Barbara California

***** SEPARATELY DISTRIBUTED SITE PLAN *****

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at www.SantaBarbaraCA.gov to verify closure dates.



27 July 2016

Staff Hearing Officer
c/o Planning Division
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

RE: 825 Roble Lane (APN 019-252-008) – MST2016-00048
Project Description/Applicant Letter

Dear Staff Hearing Officer

On behalf of the property owners, Cammie and Mark Bell, we are pleased to submit this Applicant/Project Description letter as part of the project Zoning Modification request submittal materials.

I. General Site Information

The subject property is located at 825 Roble Lane in the Riviera neighborhood. The property is zoned E-1 Single Family Residential with a General Plan Land Use Designation of Suburban Residential (5 d.u./acre). The property is bound on the north by Roble Lane and on the south by Loma Media. A lot merger application to merge the adjacent vacant parcel, APN 019-252-009, has been submitted for processing; the resulting gross lot area will be approximately 10,580 square feet (net and gross). The property is currently developed with a two-story, 2,157 square foot single family residence including the attached two-car garage.

II. Project Description

The project proposes an addition of 675 square feet to construct a master suite above the garage and a 317 square foot trellised outdoor terrace. The project includes an extension of the chimney to the master suite level, a reconfigured interior stair and kitchen remodel. There are no changes proposed to the existing landscape; the proposed addition will occur predominately within the existing building footprint with exception of the area needed to accommodate the reconfigured staircase.

In order to achieve compliance with the City's Single Family Residence Design Guidelines for development in the Hillside Design District, the location of the addition is proposed in the deepest or lowest portion of the site as it relates to the elevation above on Roble Lane. In this way, the mass of the residence steps down the site minimizing potential visual

impacts from above. Further, the western portion of the site where the addition is proposed, contains mature vegetation that provides screening to further preserve neighbor privacy.

Please refer to the lot coverage and site data that is reproduced on the cover sheet of the project plans which summarizes the existing and proposed floor areas.

Single Family Design Board

The project concept plans were presented to the Single Family Design Board (SFDB) on two occasions, March 7 and June 13, 2016. At the initial concept review, SFDB requested that the applicant provide additional neighbor and visual context in order to appropriately evaluate neighborhood compatibility as it relates to the proposed third floor component. At the June 13, 2016 hearing, the SFDB unanimously forwarded the project to the Staff Hearing Officer making positive aesthetic comments regarding the requested interior and front yard zoning modifications and stating positive support relative to mass, bulk, and scale and neighborhood compatibility.

Zoning Modifications & Justifications

The property is existing non-conforming to current front and interior yard setback requirements and also contains two front yards as the property is bound by two public streets, Roble Lane and Loma Media. The garage is located in the front and interior yard setbacks. In this zone district, the front yard setback is 30-feet; however, because the average natural slope of the front half of the lot that faces Loma Media is more than 20%, the site qualifies for a five-foot setback reduction, resulting in a required 25-foot front yard setback.

The project proposes an addition located above the non-conforming garage and extends above the kitchen and dining room below. The portion of the addition that necessitates the zoning modification requests is limited to the area above the garage, the reconfigured staircase, and a portion of the upper outdoor terrace, including the chimney extension. The distances between the front and interior property lines for each of these components are provided below and the encroachments are shown in shaded areas on plan sheet A101.

	<u>Distance from front property line</u>	<u>Distance from interior property line</u>
Master suite	7' 2" to 13' 9 1/8"	6' 6 3/8"
Staircase	23' 1/4"	
Chimney/terrace	21' 11 7/8"	

The existing interior stairway will be extended to the proposed third level because it does not currently comply with adequate head height clearance to meet building code.

Justifications to support the requested zoning modification are summarized below:

1. The existing property configuration is non-conforming with respect to the west interior yard setback and front yard setback off of Roble Lane.
2. The proposed improvements will be predominately carried out in the same footprint as the existing residence.
3. A conforming addition would necessitate a zoning modification of the non-conforming open yard area further constraining usable yard area.
4. The placement of the addition is consistent with the City's Single Family Residence Design Guidelines.
5. The portion of proposed west elevation master suite addition in the interior yard setback does not include windows facing the adjacent property.
6. The property is constrained with two front yards (public road frontage on both Roble Lane and Loma Media).
7. The proposed zoning modifications were aesthetically supported by the Single Family Design Board.

In conclusion, we believe that given the site constraints and the positive aesthetic support stated by the SFDB, the requested zoning modifications can be justified for the reasons stated above. On behalf of the property owner, we thank you for the consideration of the proposed project.

Sincerely,

SUZANNE ELLEDGE
PLANNING & PERMITTING SERVICES, INC.



Trish Allen, AICP
Senior Planner

CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**5. 825 ROBLE LN****E-1 Zone****(5:00)**

Assessor's Parcel Number: 019-252-008
Application Number: MST2016-00048
Owner: Bell Family Trust
Architect: Kent Mixon

(Proposal for a Voluntary Lot Merger and to construct a new 793 square foot third-story to an existing 1,794 square foot, two-story single-family residence with an existing 388 square foot attached two-car garage. The proposal includes a 265 square foot covered patio, with an extended chimney. The proposed total of 2,975 square feet of development on a 10,580 square foot lot in the Hillside Design District is 78% of the required maximum floor-to-lot area ratio [FAR]. The project includes Staff Hearing Officer review for zoning modifications to allow encroachments into the two front yard setbacks and one interior setback.)

(Comments only; project requires an Environmental Assessment and Staff Hearing Officer review for requested zoning modifications.)

Actual time: 4:53 p.m.

Present: Kent Mixon, Architect; and Marc Bell, Owner.

The Chair stated for the public record that the Board is mainly an architectural design and aesthetics Board for mass, bulk, and scale, and neighborhood compatibility; therefore, *private* view concerns of the public are not within the Board's purview.

Public comment opened at 5:19 p.m.

- 1) Cynthia E. Ziegler, opposition, expressed concerns regarding project not being compatible or consistent with neighbor compatibility.
- 2) Jeanne Palumbo, neighbor, submitted letter, opposition; spoke of concerns regarding the proposed third floor and suggested that additions occur on the lower floor.
- 3) Normah Abdul Halim, submitted letter, opposition; spoke of concerns regarding the proposed third floor and applicant following good neighbor guidelines.
- 4) Michael Palumbo, neighbor, submitted letter, opposition; spoke of concerns regarding the proposed third floor, potential impacts to the integrity of the D'Alfonso developed tract of homes, and a negative precedent for taller homes in this neighborhood

Letters and emails in opposition were acknowledged and received from; Ken Mineau, regarding errors on the plans submitted; Dr. James Block, served on the Riviera Association View Ordinance Advisory Task Force, regarding obstructing views; Neil Greenleaves and Chris Van de Walle, regarding the 78% FAR limit; Michael and Jeanne Palumbo and Normah Abdul Halim.

Public comment closed at 5:31 p.m.

Motion: Continued indefinitely to the Full Board with comments:

- 1) Consider exploring other options to the third story. The Board may consider a proposed third story if guidelines are met with a minimal amount of visual impact.
- 2) The Board cannot support the modifications without further design development from the applicant in terms of reducing or completely eliminating the third story.
- 3) If the Board is satisfied that the applicant has addressed the other issues outlined in this motion, the board may find a way to support a lot line adjustment to merge the two lots in order to satisfy the lower FAR requirements.

Action: Miller/Moticha, 4/1/0. Motion carried. (Pierce opposed.) (James/Woolery absent).

SFDB-CONCEPT REVIEW (CONT.)**4. 825 ROBLE LN****E-1 Zone****(4:40)**

Assessor's Parcel Number: 019-252-008
Application Number: MST2016-00048
Owner: Bell Family Trust
Architect: Kent Mixon

(Proposal for a Voluntary Lot Merger and to construct a new 793 square foot third-story addition to an existing 1,794 square foot, two-story single-family residence with an existing 388 square foot attached two-car garage. The proposal includes a 265 square foot covered patio, with an extended chimney, a 793 square foot third floor addition of a master bedroom, bath, closet and a trellised covered porch. The proposed total of 2,975 square feet of development on a 10,580 square foot lot in the Hillside Design District is 78% of the allowable maximum floor-to-lot area ratio (FAR). The project includes Staff Hearing Officer review for zoning modifications to allow encroachments into the two front yard setbacks and one interior setback.)

(Second Concept Review. Action may be taken if sufficient information is provided; the project was last reviewed March 7, 2016.)

Actual time: 4:43 p.m.

Present: Kent Mixon, Architect; Trish Allen, SEPPS; and Marc Bell, Owner.

Ms. Allen clarified that the Applicant made efforts to hold previous public outreach meetings inviting the 20-closest neighbors to discuss the proposed changes and neighborhood concerns.

Public comment opened at 5:22 p.m.

- 1) Neil Greenleaves, opposition; spoke of issues regarding the proposed scale, height, loss of private views, and neighborhood compatibility.
- 2) Jeanne Palumbo, spoke in opposition regarding parking density concerns in the neighborhood, height of the proposed changes, general poor appearance, and the mail box location.
- 3) Michael Palumbo, spoke in opposition regarding neighborhood compatibility, establishing precedent for three story structures in the chiefly single and second story neighborhood, and parking density issues.
- 4) Kenneth Mineau (local architect & neighbor), spoke in opposition regarding height of the proposed additions and neighborhood compatibility.
- 5) Cynthia Ziegler, opposition; spoke in opposition regarding setting a precedent for third story homes, loss in property values, and neighborhood compatibility; requested alternatives be found.

An email in opposition from Neil Greenleaves was acknowledged.

Public comment closed at 5:35 p.m.

Mr. Limon clarified for the Board that due to the fact that the two lots have not been merged yet, the Board is directed to review only the current lot of the structure and the proposed changes requested for that lot.

The Chair re-stated for the public record that the Board is mainly an architectural design and aesthetics Board for mass, bulk, and scale, and neighborhood compatibility, including visualizing completed third-story dimensions; but private view concerns of the public are not within the Board's purview. A separate

review will be conducted by the Staff Hearing Officer where some of these issues can be addressed. The Chair also reviewed the options for City Council appeals for the public.

Board member Moticha also clarified that the Board has very little control over maintenance of landscaping heights which may blocks private views and, for some, the only option is to request neighbors to top-off landscaping.

Motion: **Continued indefinitely to Staff Hearing Officer for return to Full Board with comments:**

- 1) A majority of the Board finds the requested front and side setback modification are aesthetically appropriate, and do not pose consistency issues with the Single Family Design Guidelines.
- 2) The Board finds that the proposed size, bulk, and scale are acceptable and the proposed changes are neighborhood compatible.

Action: Moticha/Miller, 6/0/0. Motion carried. (Pierce absent).

II. CONTINUED ITEM:

*** THE FOLLOWING ITEM WAS CONTINUED FROM THE OCTOBER 12, 2016 HEARING. ***

ACTUAL TIME: 9:04 A.M.

A. APPLICATION OF TRISH ALLEN, AGENT FOR CAMMIE & MARK BELL, 825 ROBLE LANE, APN 019-252-008 & 019-252-009, E-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS/ACRE (MST2016-00048) CONTINUED FROM OCTOBER 12, 2016 HEARING

The proposed project would add a new 645 square foot third-story to an existing 1,778 square foot, two-story single-family residence with an existing 379 square foot attached two-car garage. The proposal includes a 265 square foot deck at the third floor level with a trellis, chimney and fireplace, a 30 square foot first-floor addition, and demolition of 13 square feet of the second floor. The project includes a Voluntary Lot Merger of the subject lot and the adjacent small vacant lot to the east. The proposed total of 2,819 square feet on a 10,646 square foot lot in the Hillside Design District is 74% of the allowable maximum floor-to-lot area ratio (FAR). The existing house and the proposed additions encroach into the required front and interior setbacks.

The discretionary applications required for this project are:

1. Front Setback Modification to allow additions and alterations in the required 30 foot front setback (SBMC §28.15.060 and §28.92.110);
2. Interior Setback Modification to allow additions and alterations in the required 10-foot interior setback (SBMC §28.15.060 and §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities, and 15305, Minor Alterations In Land Use Limitations.

Present: Trish Allen, Agent; and Kent Mixon, Architect.

Ms. Reardon announced that this item had been continued from the October 12, 2016 hearing. At that hearing, she expressed concerns about the supportability of the modification, giving direction to the Applicant to study other alternatives that would not require significant encroachment and to demonstrate why other areas are not available.

Public comment opened at 9:11 a.m.

Jeanne Palumbo spoke in opposition, expressing concerns regarding the addition to the garage and the lot merger.

Public comment closed at 9:14 a.m.

Correspondence in opposition from Jeanne & Michael Palumbo and Neil Greenleaves was acknowledged.

Ms. Reardon announced that she visited the site and surrounding neighborhood.

ACTION: **Assigned Resolution No. 071-16**
Approved reduced encroachments of the Front Setback Modification and Interior Setback Modification making the findings as outlined in the Staff Report dated October 6, 2016.

Said approval is subject to the condition added at the hearing.

The ten calendar day appeal period to the Planning Commission was announced and is subject to suspension for review by the Planning Commission.



City of Santa Barbara California

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 071-16

825 ROBLE LANE

MODIFICATIONS

NOVEMBER 9, 2016

APPLICATION OF TRISH ALLEN, AGENT FOR CAMMIE & MARK BELL, 825 ROBLE LANE, APN 019-252-008 & 019-252-009, E-1 ZONE, GENERAL PLAN DESIGNATION: RESIDENTIAL 3 UNITS/ACRE (MST2016-00048) CONTINUED FROM OCTOBER 12, 2016 HEARING

The proposed project would add a new 645 square foot third-story to an existing 1,778 square foot, two-story single-family residence with an existing 379 square foot attached two-car garage. The proposal includes a 265 square foot deck at the third floor level with a trellis, chimney and fireplace, a 30 square foot first-floor addition, and demolition of 13 square feet of the second floor. The project includes a Voluntary Lot Merger of the subject lot and the adjacent small vacant lot to the east. The proposed total of 2,819 square feet on a 10,646 square foot lot in the Hillside Design District is 74% of the allowable maximum floor-to-lot area ratio (FAR). The existing house and the proposed additions encroach into the required front and interior setbacks.

The discretionary applications required for this project are:

1. Front Setback Modification to allow additions and alterations in the required 30 foot front setback (SBMC §28.15.060 and §28.92.110);
2. Interior Setback Modification to allow additions and alterations in the required 10-foot interior setback (SBMC §28.15.060 and §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities, and 15305, Minor Alterations In Land Use Limitations.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, and one person appeared to speak in opposition thereto, and the following exhibits were presented for the record:

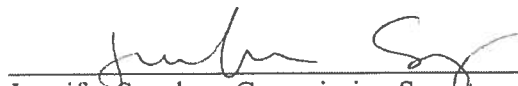
1. Staff Report with Attachments, October 6, 2016.
2. Site Plans
3. Correspondence received in opposition to or with concerns on the project:
 - a. Jeanne & Michael Palumbo, Santa Barbara, CA
 - b. Neil Greenleaves, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- I. Denied the requested Front and Interior Setback Modifications making the following findings and determinations that the Modifications are not consistent with the purposes and intent of the Zoning Ordinance and the proposed improvement is not appropriate on the lot. The proposed setback encroachments are not appropriate because the new third story, including the roof eaves, would be located too close to Roble Lane and too close to the western property line and adjacent neighbor.
- II. Approved reduced encroachments of the Front and Interior Setback Modifications to allow the proposed building addition to be located 15 feet from the front property line and nine feet from the interior property line making the following findings and determinations that:
 - A. The Front Setback Modification to allow the proposed third floor above the existing garage is consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot with the extent of setback encroachments reduced to encroach 15 feet into the front setback, measured to the exterior walls, and roof eave overhangs may match the first floor eaves of the existing house. This degree of encroachment into the required front setback is not anticipated to be inconsistent with the pattern of development along Roble Lane.
 - B. The Interior Setback Modification to allow the proposed third floor above the existing garage is consistent with the purposes and intent of the Zoning Ordinance, and necessary to secure an appropriate improvement on the lot with the extent of setback encroachments reduced to encroach one foot into the interior setback, measured to the exterior walls, and roof eave overhangs may match the first floor eaves of the existing house. This degree of encroachment into the required interior setback would not negatively impact the adjacent neighbor.
- III. Said approval is subject to the condition that the width of the chimney and the height, if possible, shall be reduced as much as feasible, subject to the review and approval of the Single Family Design Board.

This motion was passed and adopted on the 9th day of November, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Staff Hearing Officer at its meeting of the above date.



Jennifer Sanchez, Commission Secretary

11/10/16

Date

PLEASE BE ADVISED:

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Single Family Design Board (SFDB)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.

28.04.095 Automobile Service Station.

A retail business establishment primarily supplying gasoline, other types of fuel, oil, minor accessories and services for motor vehicles, excluding painting, body work and steam cleaning. (Ord. 4033 §1, 1980; Ord. 3710, 1974; Ord. 2585, 1957.)

28.04.100 Automobile Service Station/Mini-Market.

A retail business establishment supplying gasoline, other types of fuel, oil and services for motor vehicles which also sells other products, merchandise or services that are not directly related to the operation of motor vehicles where such sale is by means other than vending machines. (Ord. 4033 §2, 1980.)

28.04.105 Balcony.

A cantilevered platform that projects from the wall of a building above the ground and is surrounded by a railing, balustrade, or parapet. (Ord. 5459, 2008.)

28.04.110 Basement.

That portion of a building between floor and ceiling which is partly below and partly above grade (as defined in this chapter), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A basement shall be counted as a story. (Ord. 3710, 1974; Ord. 3540, 1972.)

28.04.115 Bed and Breakfast Inn.

The definitions of "Bed and Breakfast Inn" and "Hotel" are synonymous. See Section 28.04.395. (Ord. 5459, 2008; Ord. 4199, 1983.)

28.04.120 Bedroom.

Any habitable room in a dwelling other than a bathroom, a kitchen or a living room (except in studios, where a living room is considered a habitable room). (Ord. 3950 §2, 1978.)

28.04.125 Birth Center.

A structure that contains facilities to assist in human births, but is not licensed as a hospital. (Ord. 4152, 1982.)

28.04.130 Boarding House.

A building, group of buildings or a portion of a building which is designed for or occupied as sleeping quarters for five (5) or more paying guests and where meal service is included in the price of the lodging. A boarding house is not considered a single residential unit. (Ord. 5459, 2008; Ord. 4199, 1983; Ord. 3710, 1974; Ord. 2585, 1957.)

28.04.135 Building.

Any structure having a roof supported by columns or walls for the shelter, housing or enclosure of persons, animals, chattels or property of any kind. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.04.140 Building Height.

The maximum vertical height of a building or structure at all points measured from natural or finished grade, whichever is lower. Architectural elements that do not add floor area to a building, such as chimneys, vents, antennae, and towers, are not considered a part of the height of a building, but all portions of the roof are included. (Ord. 5416, 2007; Ord. 4641, 1990; Ord. 3710, 1974; Ord. 3540, 1972.)

28.04.145 Building, Main.

A building in which the principal use of the lot is conducted. (Ord. 5459, 2008.)

28.04.150 Bungalow Court.

Three (3) or more detached single or duplex dwellings located upon a single lot under one (1) ownership, together with all open spaces as required by this ordinance. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.15.040 Locations Allowed for Mobilehomes.

A. **USE OF MOBILEHOMES GENERALLY.** Mobilehomes installed in accordance with Section 28.15.030.G may be only allowed on lots located in One-Family Residence Zones, except where the lot is located within:

1. City-designated high fire hazard area (as designated in Chapter 22.04 of this Code).
2. Any landmark district established in accordance with Chapter 22.22 of this Code.

B. **INTERIM USE OF A MOBILEHOME TO PROVIDE FIRE SERVICE.** Notwithstanding Subsection A hereof, a mobilehome may be used at City Fire Station No. 7 (Sheffield/Stamwood Station) in accordance with Santa Barbara Municipal Code Section 28.15.030.G for the purposes of providing fire protection services, provided the following conditions apply: 1. that such use does not continue for a period of time in excess of five (5) years from its initiation; 2. that the mobilehome is not installed on a permanent foundation; 3. that the requirements of Santa Barbara Municipal Code Section 28.15.085.A and B regarding the required setback and lot coverage regulations are observed to the greatest extent feasible. (Ord. 5459, 2008; Ord. 5275, 2003; Ord. 4269, 1984; Ord. 4134, 1982; Ord. 4113, 1981.)

28.15.045 Prohibition of Shiny Roofing and Siding.

The materials used for roofing and siding on single-family dwellings shall be of a nonreflective nature. A shiny, mirrorlike or glossy metallic finish for such materials is prohibited. (Ord. 4113, 1981.)

28.15.050 Building Height.

No building in these zones shall exceed a height of thirty feet (30') nor exceed the height limitations imposed for the protection and enhancement of solar access by Chapter 28.11 of this Code. (Ord. 4426, 1986; Ord. 3710, 1974; Ord. 3540, 1972.)

28.15.055 Design Review of Residential Buildings.

Residential buildings and structures shall be subject to design review and approval, disapproval or conditional approval as required in Chapter 22.69 of this Code. (Ord. 5416, 2007; Ord. 4726, 1991.)

28.15.060 Setback and Open Yard Requirements.

The following setbacks and open yard requirements shall be observed on all lots within these zones:

A. **Front Setback.** A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on every lot within the indicated zones as follows:

1. A-1 Zone (All buildings, structures, and parking): 35 feet
2. A-2 Zone (All buildings, structures, and parking): 30 feet
3. E-1 Zone (All buildings, structures, and parking): 30 feet
4. E-2 Zone (All buildings, structures, and parking): 25 feet
5. E-3 Zone (All buildings, structures, and parking): 20 feet
6. R-1 Zone:

- a. Ground floor of any building or structure: 15 feet
- b. Upper story portion of a building or structure: 20 feet
- c. Garage or carport with an opening that does not face an adjacent street or uncovered parking that does not back out onto the street : 15 feet
- d. Garage or carport with an opening that faces an adjacent street or uncovered parking that backs out onto the street: 20 feet

B. **Interior Setback.** An interior setback of not less than the indicated distance shall be provided between any interior lot line and all buildings, structures, and parking on every lot within the indicated zones as follows:

1. A-1 Zone: 15 feet
2. A-2 Zone: 10 feet
3. E-1 Zone: 10 feet
4. E-2 Zone: 8 feet
5. E-3 Zone: 6 feet
6. R-1 Zone: 5 feet

C. **Open Yard.** An open yard shall be provided on every lot within the A-1, A-2, E-1, E-2, E-3, and R-1 zones. The required open yard shall observe the following general rules regarding dimension, location, and configuration, except as such general rules may be altered by any applicable additional rules or exceptions specified within this Subsection C:

1. **General Rules.**
 - a. Minimum size: One area of at least 1,250 square feet of lot area.
 - b. Minimum dimensions: At least 20 feet long and 20 feet wide measured in perpendicular directions.